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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,631	01/22/2002	Harry L. Tamoff	ZOUSA.001A2	4970

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EXAMINER

LIEN, TAN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,631

Applicant(s)

TARNOFF, HARRY L.

Examiner

Tan Lien

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/6/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e). The certified copy has been filed in provisional Application No. 60/263,148, filed on 1/22/2001.

Claim Objections

Claims 3 and 6 are objected to because of the following informalities:

Claim 3: It does not have a transitional word or phrase.

Claim 6: This claim does not have a transitional word or phrase, and examiner cannot tell whether the limitation is refining the features or adding features to the system to further limit the limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10: The limitation "means coupled to said registration means" is unclear as to what the scope of structure entails.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-6, and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Perkins (US Patent 6,253,198).

Claim 1, 2, 3, 10, 11: Perkins teaches a network system including:

a plurality of websites having stored content (col. 5 lines 17-22),
first data storage apparatus coupled to selected websites and adapted to store rules concerning the access to be provided by said website to a particular client of said website (col. 11 lines 45-55; wherein search engines have rules and criteria to store index content in the search engine database);

second data storage apparatus coupled to said selected website and adapted to store content that is requested by a client of said website (col. 5 lines 22-26; wherein the content in the database is being queried by users); and

data modifier apparatus coupled to said data storage apparatus and adapted to modify said requested content in accordance with said rules stored in said first data storage apparatus (Abstract and col. 4 lines 17-35 and col. 6 lines 5-10).

Claim 11: Perkins teaches in a network system having a plurality of sites having stored content, said content subject to being modified and updated by the entity controlling a particular site, the method of assisting clients connected to said network system comprising the computer implemented steps of:

- (a) processing queries to a particular site from a plurality of clients connected to said network system (col. 5 lines 18-22),
- (b) automatically determining the types of site access to be provided to each client query (col. 4 lines 5-30 and col. 6 lines 55-67; wherein each site owner has a type of site describing the contents in the site and access by searched keywords provided to the list of search engines), and
- (c) automatically modifying the content sent to said client (Abstract and col. 4 lines 17-35 and col. 6 lines 5-10).

Claim 5: Perkins teaches the network system of claim 2 comprising

means for automatically sending a message over the network informing said clients that the stored content has been modified or updated (col. 6 lines 5-10).

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Claim 6: Perkins teaches the network system of claim 2 for enabling digital rights management (DRM),

said rules means storing a rule limiting access to various certain content such as limiting viewing of a movie to a predetermined number of times and preventing access after said limit has been reached (col. 6 lines 55-67).

Claim 12, 13, 14: Perkins teaches in the network system of claim 11, wherein step (c) automatically deletes, enhances, and filter a portion of the content before it is provided to said client (col. 6 lines 5-9; wherein the modification is enhancing the content and the filtering is the deletion of contents).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7-9, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins in view of Ferguson et al. (US Patent 5,819,092).

Claim 4, 15, 16: Perkins teaches the network system of claim 2, but fails to teach

said clients include a consumer interested in downloading content from a site in which certain content requires payment to access; said rules means storing a rule only allowing accessing with the receipt of payment or credit approval.

Ferguson, in an analogous art, teaches fee for downloading contents or documents (col. 11 lines 1-5). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Perkins' network system with Ferguson's online services with fee setting capabilities, for the advantage of providing a fast, user-friendly method of designing and deploying a fee capable online system (col. 4 lines 18-30).

Claim 7: Perkins teaches the network system of claim 2, but fails to teach

goods and/or services are distributed to said client after authorization has been provided by said access control means, said rules means authorizing access to enable said site to forward a digital key or similar control request to said client.

Ferguson, in an analogous art, teaches controlling access to information for a fee for downloading contents or documents (col. 11 lines 1-5 and col. 12 lines 24-27). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Perkins' network system with Ferguson's controlled access to online services with fee setting capabilities, for the advantage of providing a fast, user-friendly method of designing and deploying (col. 4 lines 18-30).

Claim 8, 9, 17: Perkins and Ferguson teach the network system of claim 7, but do not explicitly teach

said content is provided to said client on a CD or DVD (it is well-known in the art at the time of the invention to provide to client content on a CD-ROM or DVD.

See US Patent 6,611,862 col. 38 lines 55-60).

Claim 18, 19: In the network system of claim 15, wherein steps (b) and (c) provide digital rights management for protecting intellectual property and copyrighted material (USPTO; wherein the USPTO has databases for access fee).

Conclusion

- Reisman (US Patent 6,611,862) teaches providing content on CDs and DVDs, and among other things.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tan Lien
Examiner
Art Unit 2141


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER